

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LEONARD K. BAYLIS,	:	
	:	
Plaintiff	:	
	:	
v.	:	Civ. No: 06-11-SLR
	:	
STANLEY TAYLOR, et al.,	:	JURY TRIAL DEMANDED
	:	
Defendant(s)	:	

**ANSWER OF DEFENDANTS, GEORGIANA MEEKENS (MORE PROPERLY KNOWN
AS GEORGIANNA MICKENS) AND CHARLES BENTON TO PLAINTIFF'S FIRST
AMENDED COMPLAINT AND ORIGINAL COMPLAINT
WITH AFFIRMATIVE DEFENSES**

The plaintiff's First Amended Complaint, and original Complaint, do not contain numbered paragraphs with distinct allegations, but rather consist of multiple unnumbered paragraphs that contain narrative statements, which do not permit an orderly, concise admission or denial of specific facts or contentions.

Subject to the above, allegations of wrongdoing directed to Answering Defendants, whether words or conduct, whether express or implied, are expressly denied by Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton. It is further denied that plaintiff is entitled to any relief, including, but not limited to, compensatory damages, punitive damages and/or injunctive relief. Furthermore, Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, deny that they violated plaintiff's civil or constitutional rights, deny any deprivation of adequate medical care and deny any negligence which allegedly proximately caused any injury to the plaintiff.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint and First Amended Complaint fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff was not deprived of any civil or constitutional rights or protection by Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton.

THIRD AFFIRMATIVE DEFENSE

Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, at all times material to plaintiff's Complaint and First Amended Complaint, acted in good faith and with the reasonable belief, both objective and subjective, that their actions were lawful and not in violation of the rights of plaintiff under the Constitution and laws of the United States and/or the State of Delaware.

FOURTH AFFIRMATIVE DEFENSE

Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, at all times material to plaintiff's Complaint and First Amended Complaint, were not in violation of plaintiff's rights under the United States Constitution, Delaware Constitution or the laws of the United States or the laws of the State of Delaware.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff did not experience a deliberate indifference to any of his serious medical needs.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims do not rise to the level of deprivation of civil or constitutional rights.

SEVENTH AFFIRMATIVE DEFENSE

Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, did not recklessly, maliciously, willfully, or intentionally commit any wrongful acts or omissions causing injury to the plaintiff and, in the absence of such conduct, there can be no liability on the part of Answering Defendants on the facts of this case.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff received appropriate and competent medical care and treatment during his period of incarceration from Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton.

NINTH AFFIRMATIVE DEFENSE

Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, are entitled to the defense of good faith immunity.

TENTH AFFIRMATIVE DEFENSE

Answering Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, are otherwise entitled to the defense of immunity.

ELEVENTH AFFIRMATIVE DEFENSE

Answering Defendants are not responsible for persons, events, circumstances or conditions reasonably beyond their control.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred or limited by the provisions contained in the United States Civil Rights Act.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to exhaust administrative remedies.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims may otherwise be barred by 28 U.S.C.A § 1915

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims may be barred and/or reduced by the plaintiff's own contributory or comparative negligence.

SIXTEENTH AFFIRMATIVE DEFENSE

The plaintiff's injuries, if any, resulted from an intervening and/or superseding cause.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff's alleged conditions did not constitute a serious medical need.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiff failed to comply with the mandates of 18 Del. C. § 6853.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate his alleged injuries and damages.

WHEREFORE, Defendants, Georgiana Meekens more properly known as Georgianna Mickens) and Charles Benton, hereby request that all claims against them be dismissed with prejudice, that judgment be entered in favor of Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, that all fees and costs associated with this action be assessed against plaintiff and in favor of Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, and that this Court grant Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton, any other relief it deems proper and just.

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

BY: /s/ *Kevin J. Connors*

KEVIN J. CONNORS, ESQUIRE, (DE ID # 2135)

LORENZA A. WOLHAR, (DE ID # 3971)

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P.O. Box 130

Wilmington, DE 19899-0130

(302) 552-4302

Attorneys for Defendants, Georgiana Meekens
(more properly known as Georgianna Mickens)
and Charles Benton

DATED: March 23, 2007

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2007, I electronically filed the Answer of Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton To Plaintiff's First Amended Complaint and Original Complaint With Affirmative Defenses, with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

Eileen Kelly, Esquire
Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801

I hereby certify that on March 23, 2007, I have mailed by United States Postal Service, the Answer of Defendants, Georgiana Meekens (more properly known as Georgianna Mickens) and Charles Benton To Plaintiff's First Amended Complaint and Original Complaint With Affirmative Defenses, to the following non-registered participant:

Leonard K. Baylis
SBI00100231
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

BY: /s/ Kevin J. Connors

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DATED: March 23, 2007